

# **CITY COUNCIL AGENDA**

**DECEMBER 4, 2001**

## **SYNOPSIS**

LINDA J. LE ZOTTE  
FORREST WILLIAMS  
CINDY CHAVEZ  
CHUCK REED  
NORA CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER  
GEORGE SHIRAKAWA, JR.  
DAVID D. CORTESE  
JOHN DIQUISTO  
PAT DANDO

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support Services** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Economic and Neighborhood Development** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- **Recreation and Cultural Services** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation Services** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- **Environment and Utility Services** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Aviation Services** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- **Public Safety Services** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

**The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.**

- **Call to Order and Roll Call**  
**9:30 a.m. - Closed Session, Room 600, City Hall**  
**Absent: Council Member Dando, Vice Mayor Shirakawa, Jr. (both excused)**  
  
**1:35 p.m. - Regular Session, Council Chambers, City Hall**  
**Absent: Council Member Dando (excused)**  
  
**7:05 p.m. - Public Hearings, Council Chambers, City Hall**  
**Absent: Council Member Dando (excused)**
- **Invocation (Mayor)**  
**Bishop Doug Weiss, Christ the King Church; Pastor Cesar Buitrago, Nueva Generacion En Cristo; Pastor Arthur Lum, Chinese Church in Christ; and Maurice Miller, Youth for Christ, delivered invocations commemorating “National Day of Reconciliation”.**
- **Pledge of Allegiance**  
**Mayor Gonzales led in the Pledge of Allegiance.**
- **Orders of the Day**  
**Approved.**

## **1 CEREMONIAL ITEMS**

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- 1.1 Presentation of a commendation to the IT Airport Team for the City of San José’s Outstanding Employee Award. (City Manager’s Office)**  
**City Manager Del D. Borgsdorf joined Mayor Gonzales at the Podium and introduced Chief Information Officer Wandzia Grycz and IT Airport Team members William J. Potter-Deputy Director of Aviation, Gaurav Garg-Deputy Chief Information Officer, and Steven G. Turner-Supervising Information Systems Analyst, who accepted the commendation. Steve Turner introduced Airport employees – Maureen Gallagher, Diane Idemoto, Art Shinagawa, Vijay Symetta, Amanda Le, Danette, Espitia, and Fong Tran – who are located at the Airport and provide information technology support for Airport Operations. City Manager Del D. Borgsdorf exhibited the plaque, which will be displayed in the Lobby of City Hall, presented the certificate of excellence, and congratulated the IT Team for its commitment to excellence and inter-departmental cooperation and teamwork within the City of San José, and Mayor Gonzales presented awards to each employee.**

# 1 CEREMONIAL ITEMS

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- 1.2 Presentation of a commendation to West Coast Aquatics for their efforts in raising money for the children of Afghanistan. (Cortese/Reed)

**This Item Heard in the Evening.**

**Council Members Cortesé and Reed joined Mayor Gonzales at the Podium, introduced the coaches – Bart and Natalie – Program Leader Dori Isaacs, and the youth from West Coast Aquatics. The athletes contributed their prized possessions – First, Second and Third Place competition ribbons and medals – as part of an auction. The ribbons and medals were braided into a replica of the American Flag, sold at an auction, and the proceeds, approximately \$1,000, were donated through the March of Dimes to benefit the Children of Afghanistan. Council Member Cortesé presented a personal letter to Dori Isaacs in appreciation of her contributions to the Aquatics Team and the youth of the East Side Union High School District. Council Members thanked the youth, coaches, parents, and volunteers for their contributions and Mayor Gonzales presented the commendation to Team.**

- 1.3 Presentation of a commendation to Santa Teresa High School for striving for excellence in teacher instruction, academic performance, and student participation beyond the classroom. (Williams)

**This Item Heard in the Evening.**

**Council Member Williams joined Mayor Gonzales at the Podium and introduced Principal Fredella Carr, administrators, teachers, and students from Santa Teresa High School, who contributed in excess of \$9,000 to the care and recovery efforts of the victims of the bombings in New York. Mayor Gonzales presented the commendation and congratulated the educators for their achievements.**

- 1.4 Presentation of commendations to the members of the East Valley/680 Strong Neighborhoods Initiative (SNI) Neighborhood Advisory Committee (NAC) for their work and dedication in completing their neighborhood improvement plan. (Campos)  
(Rules Committee referral 11/28/01)

**This Item Heard in the Evening.**

**Council Member Campos joined Mayor Gonzales at the Podium and presented commendations to the members of the Neighborhood Advisory Committee for their work and dedication in completing their neighborhood improvement plan.**

# 1 CEREMONIAL ITEMS

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- 1.5 Presentation of a proclamation declaring December 8, 2001, as Marine Corps Reserve “Toys for Tots” Day in the City of San José. (Mayor)  
(Rules Committee referral 11/28/01)

**Mayor Gonzales introduced K-BAY Radio celebrity Sylvia Manker, Chairperson, and Karen Belli, Co-Chairperson, Santa Clara County Toys For Tots Committee, U.S. Marine Corps Gunnery Sergeant Helena E. De Los Santos-Administration Chief, U.S. Marine Corps Gunnery Sergeant Martin M. Aycott-Communications Chief, and long-time member of the Toys For Tots Committee, Steve Preminger who accepted the proclamation. Steve Preminger conveyed the Committee’s appreciation to Mayor Gonzales for serving as Honorary Chair for 2001, and invited San José families to deliver toys to one of several drop-off stations on Saturday, December 8, 2001.**

- 1.6 Presentation of Human Rights Commission award to Christa Gannon for her activities for Fresh Lifelines for Youth (FLY). (Yeager)  
(Rules Committee referral 11/28/01)

**This Item Heard in the Evening.**

**Joining Mayor Gonzales at the Podium were Council Member Yeager, Human Rights Commission Chair Paul Feci, and Commissioners Ashu Kalra, Herman Levy, Linda Colar, Jeannette Leach, and guest of honor Christa Gannon. As a Stanford Law School graduate, Christa Gannon founded in 1998 the nationally recognized FLY Program to meet the mentoring needs of at-risk youth in Santa Clara County; currently, the Program serves more than 500 youth referred by the Courts. Commission Chair Feci presented the award to Christa in honor of her exemplary work among young people.**

- 1.7 Special welcome to Cub Scout Pack 340, 13 Cub Scout Webelos, and Den Leaders Bernard Hiller and Cindy Blaine from Council District 10. On behalf of Council Member Dando, Mayor Gonzales asked the special guests from the Pioneer District to stand and be recognized.

# 2 CONSENT CALENDAR

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- 2.1 Approval of Minutes.  
None.

- 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances:

- (a) ORD. NO. 26519 – Rezones certain real property situated at the southeast corner of Jackson and North Seventh Streets. PDC 01-03-049

**Ordinance No. 26519 adopted.**

## 2 CONSENT CALENDAR

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### 2.2 Final adoption of ordinances

**Recommendation: Final adoption of ordinances:**

- (b) ORD. NO. 26520 - Rezones certain real property situated at the east side of North First Street, approximately 500 feet northerly of Brokaw Road (2108 and 2116 North First Street). C 00-11-111

**Ordinance No. 26520 adopted.**

- (c) ORD. NO. 26521 - Rezones certain real property situated at the west side of Zanker Road, approximately 600 feet southerly of Tasman Drive.  
PDC 01-04-053

**Ordinance No. 26521 adopted.**

### 2.3 Adoption of a resolution approving the reorganization of Evergreen No. 185.

**Recommendation:** Adoption of a resolution authorizing the reorganization of territory designated as Evergreen No. 185, which involves the annexation to the City of San José of 2.51 gross acres of land, located at the east side of Ruby Avenue, approximately 52 feet northerly of Murillo Avenue, and the detachment of the same from the Central Fire Protection District and the Santa Clara County Library Services Area. CEQA: Negative Declaration. Council District 8. (Planning, Building, and Code Enforcement) (Deferred from 8/28/01 – item 2.11 and 10/2/01 – Item 2.3)

**Resolution No. 70727 adopted.**

### 2.4 Nominations to the Metcalf Community Advisory Committee.

**Recommendation:** Approval of the nominations to the Metcalf Community Advisory Committee. (Mayor)

(Deferred from 10/30/01 – Item 2.11 et al., and 11/20/01 – Item 2.9)

**Deferred to 12/11/01.**

### 2.5 Approval to amend a consultant agreement to conduct two focus groups for the San José Composts Program.

**Recommendation:** Approval of the first amendment to the consultant agreement with GLS Research to expand the scope of services to include conducting two focus groups for the San José Composts Program and increase compensation by \$12,000, from \$91,825 to \$103,825. (Environmental Services)

**Approved.**

## 2 CONSENT CALENDAR

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### 2.6 Approval to submit a grant application to the California Integrated Waste Management Board.

**Recommendation:** Adoption of a resolution authorizing the Director of the Environmental Services Department to submit an application to the California Integrated Waste Management Board, Reuse Assistance Grant Program for supporting recycling programs in San José Public schools, in the amount of \$50,000, to accept the grant on behalf of the City and to execute all documents necessary to implement the grant.

(Environmental Services)

**Resolution No. 70728 adopted.**

### 2.7 Approval of various actions related to the San José International Airport runway.

**Recommendation:**

- (a) Report on bids for the San José International Airport runway rubber removal and pavement surface cleaning services and approval of award to the low cost vendor, Ackerman & Sons Company, in the amount not to exceed \$125,000, and authorization for the Director of General Services to execute the service order.
- (b) Authorization for the Director of General Services to exercise the option to renew the contract for four (4) additional one (1) year extensions without further Council action, other than the appropriation of funds.

(General Services)

**Deferred to 12/11/01. Noes: Diquisto.**

**Council deferred action on this item to allow Staff an opportunity to address the concerns raised by the representative from Cyclone Surface Cleaning.**

### 2.8 Approval of various actions related to the Shiraz Senior Housing development.

**Recommendation:** Adoption of a resolution to modify the term of the permanent loan to Shiraz Senior Housing L.P. from 30 years to 40 years and to modify the loan to ROEM Development Corporation secured by the underlying fee title from 32 years to 40 years for the development of the Shiraz Senior Housing Apartments, a 61-unit housing development affordable to very low-income senior households located at 1275 McLaughlin Avenue, south of Owsley Avenue. Council District 7. SNI: Tully/Senter.

(Housing)

**Resolution No. 70729 adopted.**

### 2.9 Approval of various fiscal actions related to the Joint Library Project.

**Recommendation:** Adoption of appropriation ordinance amendments in the Library Construction and Conveyance Tax Fund for the Joint Library Project with a net impact to the fund of \$161,200. (Library/City Manager's Office)

**Ordinance No. 26523 adopted.**

## 2 CONSENT CALENDAR

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**2.10 Approval to initiate proceedings for the reorganization of territory designated as San José North No. 13.**

**Recommendation:** Adoption of a resolution initiating proceedings and setting January 8, 2002 at 1:30 p.m. as the date for Council consideration of the reorganization of territory designated as San José North No. 13, which involves the annexation to the City of San José of 7.27 acres of land, located at the northeast corner of State Route 237 and Great America Parkway, and the detachment of the same from the appropriate special districts including Central Fire District and County Library Service Area. CEQA: Exempt. Council District 4. (Planning, Building and Code Enforcement)

**Resolution No. 70730 adopted.**

**2.11 Adoption of a resolution approving the reorganization and annexation of Parker No. 23.**

**Recommendation:** Adoption of a resolution authorizing the reorganization of territory designated as Parker No. 23, which involves the annexation to the City of San José of 1.24 gross acres, located at the south side of Woodard Avenue, approximately 110 feet easterly of Starview Drive, and the detachment of the same from the Central Fire Protection District and West Valley Sanitation District. CEQA: Resolution No. 65459. Council District 9. (Planning, Building, and Code Enforcement)

**Resolution No. 70731 adopted.**

**2.12 Approval of actions related to the annexation of unincorporated lands described as Buena Vista No. 1.**

**Recommendation:** Adoption of a resolution extending the timing for approval of the resolution ordering the annexation of unincorporated lands described as Buena Vista No. 1, approximately 38 gross acres generally bounded by West San Carlos Avenue, Scott Street, Chiechi Avenue, and Meridian Avenue and parcels on both sides of Buena Vista Avenue until April 1, 2002; and after successful completion of a Proposition 218 election related to the imposition of taxes and fees associated with the annexation to the City of San José to be held at the next General Municipal election in March 2002. CEQA: Resolution No. 65459. Director of Planning, Building, and Code Enforcement recommends approval. No Planning Commission action required. Council District 6. (Planning, Building and Code Enforcement)

**Resolution No. 70732 adopted.**

## 2 CONSENT CALENDAR

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### 2.13 Approval to determine that public use and necessity require the acquisition of certain property and directing the filing of eminent domain action.

**Recommendation:** Adoption of a resolution determining that public use and necessity require the acquisition of a portion of a certain property owned by Frank and Virginia Perrotta, Trustees, as to a 54/100 interest and Charles F. Perrotta as to a 46/100 interest, located at 33 Lewis Road, and directing the filing of an eminent domain action. CEQA: Exempt. Council District 7. (Public Works)

**Resolution No. 70733 adopted.**

### 2.14 Approval to award a contract for Parma Park Renovation Project.

**Recommendation:**

- (a) Report on bids and award of contract for the Parma Park Renovation Project to the low bidder, Perma-Green Hydroseeding, Inc., to include the base bid and Add Alternate Nos. 1 and 2 in the amount of \$945,000, and approval of a contingency in the amount of \$95,000.

**Approved.**

- (b) Adoption of the following appropriation ordinance amendments in the Park Trust Fund:

- (1) Establish an appropriation of \$308,000 for the Parma Park Renovation Project.
- (2) Decrease the Reserve: Future PDO/PIFO Projects by \$308,000.

CEQA: Exempt. Council District 10. (Public Works)

**Ordinance No. 26524 adopted.**

### 2.15 Approval of a change order for the City Hall Hallways Improvement Project.

**Recommendation:** Approval of Contract Change Order No. 2 for the City Hall Hallways Improvement Project with Eddie Torrez Construction for additional construction work in the amount of \$23,893, for a total contract amount of \$99,735; approval of an increase in the construction contingency by \$22,805, for a total contingency in the amount of \$33,805, and extension of the term of contract by 15 working days to October 31, 2001. (Public Works)

**Approved.**

## **2      CONSENT CALENDAR**

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### **2.16    Approval of an agreement for Various Park and Recreation Projects.**

**Recommendation:** Approval of the following actions:

- (a)      Approval of a continuation agreement with Amphion Environmental, Inc. for consultant services for Various Park and Recreation Projects, extending the term of the master agreement from October 28, 2001 to December 31, 2002, and increasing compensation in an amount not to exceed \$15,000, for total maximum agreement amount not to exceed \$215,000.

**Approved.**

- (b)      Adoption of an appropriation ordinance amendment in the Citywide Construction and Conveyance Tax Fund:

- (1)      Increasing the Bay Trail Planning/EIR project by \$18,000.

- (2)      Decreasing the Ending Fund Balance by \$18,000.

(Public Works/City Manager's Office)

**Ordinance No. 26525 adopted.**

**END OF CONSENT CALENDAR**

## **3      STRATEGIC SUPPORT SERVICES**

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### **3.1    Report of the Study Session**

**Mayor Gonzales, Chair**

**No Report.**

### **3.2    Report of the Rules Committee – Rules-in-Lieu Meeting of November 21, 2001**

**Vice Mayor Shirakawa, Jr., Chair**

- (a)      Redevelopment Agency items reported out at Redevelopment Agency meeting  
**The Redevelopment Agency items to be reported out at Redevelopment Agency Board meeting.**

- (b)      City Council

- (1)      Review December 4, 2001 Draft Agenda

**The Committee approved the December 4, 2001 City Council Agenda.**

- (2)      Add New Items to November 27, 2001, 2001 Amended Agenda

**The Committee recommended one addition to the November 27, 2001 City Council Agenda.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee – Rules-in-Lieu Meeting of November 21, 2001 – (Cont'd.)

**Vice Mayor Shirakawa, Jr., Chair**

- (c) City Council Committees
  - (1) Amendments to Council Committee Agendas
    - (a) Finance and Infrastructure Committee
    - (b) Economic Development and Environment Committee
    - (c) Education, Neighborhoods, Youth, and Seniors Committee**None Filed.**
- (d) Meeting Schedules  
**None Presented.**
- (e) The Public Record  
**There was no Public Record. Filed.**
- (f) Boards, Commissions and Committees  
**None Presented.**
- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee  
**The Committee recommended approval of an amendment to the workplan of the City Auditor which would authorize his office to participate in the review of the Management Plan that is expected to be submitted in response to the RFP for operation of the Municipal Water System.**
- (h) Administrative Reviews and Approval  
**None Presented.**
- (i) Oral communications  
**None Presented.**  
**None Presented.**
- (j) Adjournment  
**The meeting was adjourned at 2:10 p.m.**

**The Rules-in-Lieu Committee Report and actions of November 21, 2001 accepted.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee – Meeting of November 28, 2001 (Partial) Vice Mayor Shirakawa, Jr., Chair

- (h) Administrative Reviews and Approval
  - (1) Appoint Alternate Voting Delegate for National League of Cities Annual Business Meeting  
**The Committee recommended appointment of Betsy Shotwell, Director of Intergovernmental Relations, as the alternate voting delegate at the December 8, 2001 Annual Business Meeting for the National League of Cities.**

**The Rules Committee Report (partial) and actions of November 28, 2001 accepted.**

#### 3.3 Report of the Finance and Infrastructure Committee Council Member Dando, Chair No Report.

#### 3.4 Adoption of a resolution calling for a Municipal Election.

**Recommendation:** Adoption of a resolution:

- (a) Calling for a General Municipal Election to be held on March 5, 2002, for the purpose of electing a Mayor and a Council Member from Districts 1, 3, 5, 7, and 9, each for a full term beginning January 1, 2003 and ending December 31, 2006; and
- (b) Ordering on the Council's own motion, the submission to the electors a measure to allow the annexation of certain real property known as the Buena Vista Neighborhood to the City of San José subject to City taxes and fees.
- (c) Ordering on the Council's own motion submission of one (1) measure to the electors authorizing the issuance of a general obligation bond as follows:
  - (1) "San José 9-1-1, Fire, Police, Paramedic, and Neighborhood Security Act" bond in the maximum principal amount of \$159,000,000.

(City Clerk)

**Resolution No. 70734 adopted.**

#### 3.5 Results of Employee Election and appointments to various Boards and Commissions.

**Recommendation:** Appoint candidates to the following Boards and Commissions:

- (a) Appoint one employee/member to the Federated City Employees Retirement System Board of Administration to a term which expires November 30, 2005.  
**Appointment of Bradley Imamura confirmed.**
- (b) Appoint one Police Department employee/member to the Police and Fire Department Retirement Plan Board of Administration to a term which expires November 30, 2005.  
**Appointment of Bret Muncy confirmed.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.5 Results of Employee Election and appointments to various Boards and Commissions. (Cont'd.)

- (c) Interview and appoint one candidate to the Civil Service Commission to a term which expires December 1, 2005.

**Appointment of Bill Brill confirmed.**

- (d) Appoint two employees and an alternate employee to the Suggestion Award Commission to terms which expire November 20, 2003.

(City Clerk)

(Continued from 11/27/01 – Item 3.4)

**Appointments of Denise Antonowicz and Stephanie Menzies confirmed.**

#### 3.6 Adoption of a resolution in support of AB 1058.

**Recommendation:** Adoption of a resolution in support of AB 1058, a bill to reduce greenhouse gas emissions from passenger vehicles and light trucks in California.

(LeZotte)

(Rules Committee referral 11/28/01)

**Resolution No. 70735 adopted.**

### 4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

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#### 4.1 Report of the Economic Development & Environment Committee Council Member Williams, Chair No Report.

#### 4.2 Public Hearing on the designation of various properties as historic landmarks.

**Recommendation:**

- (a) PUBLIC HEARING on and adoption of resolutions regarding the designation of the following properties as landmarks of special historic, architectural, cultural, aesthetic, or engineering interest or value of a historic nature:

- (1) Center for the Performing Arts, 241-271 Park Avenue

**Council approved staff recommendation to drop the designation of the Center For Performing Arts.**

- (2) Farmer's Union Building, 151 W. Santa Clara Street

**Resolution No. 70736 adopted.**

- (3) Masson Building, 161 W. Santa Clara Street

**Resolution No. 70737 adopted.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.2 Public Hearing on the designation of various properties as historic landmarks. (Cont'd.)**

**Recommendation:**

- (a) PUBLIC HEARING on and adoption of resolutions regarding the designation of the following properties as landmarks of special historic, architectural, cultural, aesthetic, or engineering interest or value of a historic nature: **(Cont'd.)**

- (4) Wright/Bailey House, 312-314 S. Third Street

**Resolution No. 70738 adopted.**

- (5) Costa & Miller Building, 520 S. First Street

**Resolution No. 70739 adopted.**

- (b) Report to City Council in response to questions regarding the Landmark designation process and historic resource surveys.

(Planning, Building and Code Enforcement)

Council District 3. (Planning, Building and Code Enforcement)

[Deferred from 10/2/01 – Item 4.2(a), (d), (f), (o), (r)]

**Council accepted the report.**

**Council (1) approved the designations for the Masson Building and the Farmer's Union Building and deferred those designations to March 2002 to allow the owners sufficient time to conclude specified financial arrangements; (2) directed Staff to provide financial accounting of the \$100,000 raised by the community to repair damages to Fridkins' Market, including expenditures and remaining balance, and to submit a report and recommendations to Council in January 2002 regarding fulfillment of the City's commitment; and (3) to identify preservation sessions and participants and provide Council with a schedule of meeting dates.**

### **4.3 Discussion of reasonable accommodation policies and process of notification.**

**Recommendation:** Staff presentation and discussion of reasonable accommodation policies and process of notification. (City Attorney's Office)

[Economic Development & Environment Committee referral – Item 4.1(i)]

(Deferred from 11/20/01 – Item 4.4)

**Deferred to 12/18/01.**

### **4.4 Approval of Strong Neighborhoods Improvement Plans.**

**Recommendation: This Item Heard in the Evening.**

- (a) Approval of the East Valley/680 Communities Strong Neighborhoods Initiative, Neighborhood Improvement Plan as the shared vision for the revitalization of the area. CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0). Council District 5. SNI: East Valley/680.

**Approved.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.4 Approval of Strong Neighborhoods Improvement Plans. (Cont'd.)**

- (b) Approval of the Edenvale/Great Oaks Neighborhood Revitalization Plan, Strong Neighborhoods Initiative Update as the shared vision for the revitalization of the area. CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1). Council District 2. SNI: Edenvale Great Oaks.

(Planning, Building and Code Enforcement)

**Approved.**

### **4.5 Public Hearing on the vacation of an easement along Silver Creek Road.**

**Recommendation:** PUBLIC HEARING and adoption of a resolution approving the vacation of a roadway easement along Silver Creek Road between Yerba Buena Road and Silver Creek Valley Road, reserving a public service easement over the area. CEQA: Resolution No. 61784. Council District 8. (Public Works)

(Continued from 11/27/01 – Item 4.4)

**Resolution No. 70740 adopted.**

## **5 RECREATION & CULTURAL SERVICES**

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### **5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee – November 19, 2001**

**Council Member Chavez, Chair**

- (a) Youth Commission Monthly Report

**The Committee accepted the staff report.**

- (b) Library Commission's Annual Report on Library Benefit Assessment District

**The Committee accepted the staff report.**

- (c) Animal Care and Services Status Report

**The Committee accepted the request for deferral of the report with Staff directed to return to Council in January 2002 with a report that incorporates (1) legal guidelines for the City taking a leadership role over animal care; (2) statements of philosophy that were put forward in making the decision to take a leadership role; (3) capacity of facility based on need; (4) building design (actual layout of building) and (5) what other cities are doing in relation to animal care.**

## 5 RECREATION & CULTURAL SERVICES

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### 5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee – November 19, 2001 – (Cont'd.)

#### Council Member Chavez, Chair

##### (d) San José BEST Update

A report for each Council District with the following truancy information:

- Raw Numbers, along with percentages
- Number of truants by age and how many have learning disabilities, drug problems and/or mental health problems
- Student profiles, by school
- Types of programs being offered
- Amount of money being lost by school districts
- What are best practices
- Income level of families

**The Committee accepted the staff report with direction to Staff to (1) work with the school collaborative to look at overall strategies and obtain a commitment for increased ADA and sharing of those resources; (2) obtain information on truant students once returned to school; (3) obtain “best practices” from alternative high schools; and (4) prior to reporting to Council, conduct a global comparison of ethnicity versus case management.**

##### (e) Proposed Implementation of Skate Parks [Deferred from 10/15/01 Education, Neighborhoods, Youth and Seniors Committee]

**The Committee accepted the staff report.**

##### (f) Aging Services Master Plan [Deferred from 10/15/01 Education, Neighborhoods, Youth and Seniors Committee]

- Preliminary report on strategies and process for updating the Plan, including cost per unit
- Plans for Senior’s citywide event for May 2002

**The Committee accepted the staff report.**

##### (g) Oral petitions

**None Presented.**

##### (h) Adjournment

**The Committee adjourned at 10:45 a.m.**

**The Education, Neighborhoods, Youth, and Seniors Committee Report and actions of November 19, 2001 accepted.**

## **5 RECREATION & CULTURAL SERVICES**

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### **5.2 Approval of first amendments to four master agreements for Various Park and Recreation Projects.**

**Recommendation:** Approval of first amendments to four master agreements for design consultant services with four landscape architecture firms for Various Park and Recreation Projects, increasing the maximum amount of compensation as follows:

- (a) Moore Iacofano Goltsman, Inc., for a total agreement amount of \$800,000.

**Approved.**

- (b) the beals group, inc., for a total agreement amount of \$800,000.

**Approved.**

- (c) Cottong & Taniguchi, for a total agreement amount of \$600,000.

**Approved.**

- (d) MPA Design, for a total agreement amount of \$500,000.

(Public Works)

**Approved.**

### **5.3 Approval of various actions related to the Coyote Creek Trail Feasibility Study.**

**Recommendation:**

- (a) Adoption of a resolution:

- (1) Accepting grant funding from the State Department of Parks and Recreation for the Coyote Creek Trail Feasibility Study between Highways 101 and 280.
- (2) Authorizing the City Manager, or his designee, to negotiate and execute all documents relating to the grant funding agreement.

**Resolution No. 70741 adopted.**

- (b) Appointment of the Parks, Recreation and Neighborhood Services Department as the lead agency for the City.

Council District 3. SNI: 13<sup>th</sup> Street, Five Wounds/Brookwood Terrace, Spartan/Keyes, University. (Parks, Recreation and Neighborhood Services)

(Rules Committee referral 11/28/01)

**Council appointed the Department of Parks, Recreation and Neighborhood Services as the lead agency for the City in the matter of Coyote Creek (101 to 280) Trail Feasibility Study and expenditure of funds.**

## 5 RECREATION & CULTURAL SERVICES

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### 5.4 Approval of various actions related to the Coyote-Alamitos Canal Trail Feasibility Study.

**Recommendation:**

- (a) Adoption of a resolution:
  - (1) Accepting grant funding from the State Coastal Conservancy for the Coyote-Alamitos Canal Trail Feasibility Study.
  - (2) Authorizing the City Manager, or his designee, to negotiate and execute all documents relating to the grant funding agreement.  
**Resolution No. 70742 adopted.**
- (b) Appointment of the Parks, Recreation and Neighborhood Services Department as the lead agency for the City.  
Council Districts 2 and 10. (Parks, Recreation and Neighborhood Services)  
(Rules Committee referral 11/28/01)  
**Council appointed the Department of Parks, Recreation and Neighborhood Services as the lead agency for the City in the matter of Coyote-Alamitos Canal Trail Feasibility Study and expenditure of funds.**

## 6 TRANSPORTATION SERVICES

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### 6.1 Approval to amend the Cooperative Agreement for the Caltrain Maintenance Facility.

**Recommendation:** Approval of a first amendment to the Cooperative Agreement with the Peninsula Corridor Joint Powers Board for the Caltrain Maintenance Facility to incorporate a statement of “Shared Objectives” to address community concerns related to operation of the facility. (Transportation)

**This item Heard in the Evening.**

**Council approved the amendment to the Cooperative Agreement with the Peninsula Corridor Joint Powers Board for the Caltrain Maintenance Facility to incorporate a statement of “Shared Objectives” addressing the mitigation of community impacts, and initiate the next steps for the (a) formation and operation of the Oversight Committee, and (b) approval of a Traffic Calming Study along Stockton.**

## **7 ENVIRONMENTAL & UTILITY SERVICES**

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### **7.1 Approval of various actions for the Monterey-Riverside Supplement Sanitary Sewer Project.**

**Recommendation:**

- (a) Approval of Contract Change Order No. 2 with Elmore Pipe Jacking, Inc., for the Monterey-Riverside Supplement Sanitary Sewer Project in the amount of \$541,009.80, for a total contract amount of \$4,770,736.97, and extending the contract by 54 working days to January 31, 2002. CEQA: Exempt.

**Approved.**

- (b) Adoption of appropriation ordinance amendments in the Sanitary Sewer Connection Fee Fund in the amount of \$541,000.

Council District 2. (Public Works/City Manager's Office)

**Ordinance No. 26526 adopted.**

### **7.2 Approval to submit grant applications for a Small Business Energy Efficiency Program and an Energy Performance Design Assistance Program.**

**Recommendation:** Adoption of a resolution authorizing the City Manager to submit two grant proposals to the California Public Utilities Commission - Energy Efficiency Program for:

- (a) A Small Business Energy Efficiency Program in the amount of \$8,000,000 that would provide education, referrals, audits, and energy efficiency incentives for small businesses in San José for a two-year term, beginning about March 2002; and,
- (b) An Energy Performance Design Assistance Program in the amount of \$1,000,000 that would provide education, design assistance, and energy efficiency financial incentives for municipal and private sector new construction projects in San José for a two-year term, beginning about March 2002.

(Environmental Services)

(Rules Committee referral 11/28/01)

**Resolution No. 70743 adopted.**

## **8 AVIATION SERVICES**

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### **8.1 Approval of an agreement for the Improvement of Central Expressway and De La Cruz Boulevard Intersection.**

**Recommendation:** Approval of a cooperation agreement with the County of Santa Clara for the Improvement of Central Expressway and De La Cruz Boulevard Intersection, in the amount of \$409,400. CEQA: Resolution No. 67380. (Airport)

**Approved.**

## 9 PUBLIC SAFETY SERVICES

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## 10 JOINT COUNCIL/REDEVELOPMENT AGENCY

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- **Closed Session Report**

Disclosure of Closed Session Action of December 4, 2001 submitted by  
City Attorney, J. Richard Doyle:

A. **Authority to Enter Litigation Cases as *Amicus Curiae*:**

**Case Name:** International Society for Krishna Consciousness of California,  
Inc. v. City of Los Angeles

**Adverse Party or Parties:** International Society of Krishna Consciousness  
of California, Inc.

**Substance of Litigation:** This is an action challenging the validity of a Los  
Angeles Ordinance that prohibits the solicitation  
and immediate receipt of funds in its airport  
terminal, parking areas, and sidewalks.

**Council Vote:**      **Ayes:** Campos, Chavez, Cortesé, Diquisto, LeZotte,  
Reed, Williams, Yeager; Gonzales.

**Noes:** None.

**Absent:** Dando, Shirakawa, Jr.,

**Disqualified:** None.

- **Notice of City Engineer's Pending Decision on Final Maps**

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the  
City Engineer's pending decision on the following Final Maps:

**None filed.**

Tract	Location	Council District	Developer	Lots/Units	Type
9394	East side of Bonita Ave. North of Herald Ave.	3	Bonita Condos LLC	21 Units	SF attached

- **Open Forum**

- (1) **Pete Campbell spoke in opposition to the use of Redevelopment Agency funds to operate and maintain a Holiday Boutique. For clarification, City Attorney advised that Redevelopment Agency funds could be used for such a project.**
- (2) **Ross Signorino commented on the malfunctioning sound system.**

**Following Open Forum, Council recessed at 3:15 p.m. and reconvened at 7:05 p.m., Council Chambers, City Hall.**

# 11 PUBLIC HEARINGS

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## 11.1 Public Hearing on a street renaming.

**Recommendation:** PUBLIC HEARING ON STREET RENAMING of a proposed frontage road running parallel to the east of State Highway 87, between the northerly line of West Hedding Street and southerly line of Coleman Avenue to Guadalupe Road.

CEQA: Exempt.

District 3

**Continued to 12/18/01.**

## 11.2 Public Hearing on planned development prezoning on Ruby Avenue.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT PREZONING of the property located at the east side of Ruby Avenue, approximately 50 feet northerly of Murillo Avenue, from County to A(PD) Planned Development Zoning District, to allow up to 22,570 square feet for a new church sanctuary and associated classrooms on 2.61 gross acres. (Young Nak Presbyterian Church c/o K.B. Chung, Owner/Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC 00-04-024 - District 8

(Continued from 8/14/01 – Item 11.9 et al., and 10/2/01 – Item 11.2)

**Ordinance No. 26527 passed for publication.**

## 11.3 Public Hearing on planned development rezoning at South Bascom and Moorpark Avenues.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southeast corner of South Bascom and Moorpark Avenues, from CP Commercial Pedestrian Zoning District to A(PD) Planned Development Zoning District, to allow an office/classroom building up to a maximum of 80,000 square feet on 1.55 gross acres. (The Rajkovich 1992 Revocable Trust, The Martin Rajkovich 1992 Revocable Trust, Owner; Green Valley Corporation, Developer). CEQA: Resolution to be adopted. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC 01-03-043 - District 6

(Continued from 10/16/01 – Item 11.6 et al., and 11/20/01 – Item 11.1)

**Ordinance No. 26528 passed for publication.**

**CEQA Resolution No. 70744 adopted.**

**Council approved statement of overriding considerations making findings that the benefits of the project outweigh the environmental impacts.**

## 11 PUBLIC HEARINGS

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### 11.4 Public Hearing on planned development rezoning at Coastland Avenue.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the east side of Coastland Avenue, approximately 80 feet south of Lincoln Court (2166 Coastland Avenue), from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow up to five single-family detached residential units on 1.02 gross acres. (Mike Chen, Coastland Villa LLC, Owner/Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 00-12-127 - District 6

(Continued from 11/6/01 – Item 11.5 and 11/20/01 – Item 11.3)

**Ordinance No. 26529 passed for publication.**

### 11.5 Public Hearing on planned development rezoning at Capitol Expressway and Vista Park Drive.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the northeast corner of Capitol Expressway and Vista Park Drive, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow up to 355 single-family and multi-family attached residential units on 15 gross acres. (Capitol Vista Oaks LP, Owner; Pinn Brothers Fine Homes, Developer). CEQA: Mitigated Negative Declaration.

PDC 01-02-028 - District 7

(Continued from 11/20/01 – Item 11.6)

**Continued to 12/18/01.**

### 11.6 Public Hearing on planned development rezoning at North First, Taylor, Miller, and Asbury Streets.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located on the block bounded by North First, Taylor, Miller, and Asbury Streets, from R-2 Residence and CG Commercial Zoning District to A(PD) Planned Development Zoning District, to allow up to 400 attached residential units and 7,000 square feet of commercial uses on 2.8 gross acres. (Barry Swenson Builder, Owner/Developer). CEQA: Negative Declaration.

PDC 00-09-086 - District 3

**Continued to 12/18/01.**

## 11 PUBLIC HEARINGS

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### 11.7 Public Hearing on planned development rezoning/prezoning at Yerba Buena and Dove Hill Road.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING/PREZONING of the property located at the southeast corner of Yerba Buena and Dove Hill Road, from R-1-8(CL), A-Agriculture Zoning Districts, and unincorporated land to A(PD) Planned Development Zoning District, to allow a 36,357 square feet church on 7.24 gross acres. (Church of the Crossroads of Santa Clara Valley, Inc., Owner/Developer). CEQA: Negative Declaration. Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval (6-0-1).  
PDC 99-04-028 - District 8

**Ordinance No. 26530 passed for publication.**

### 11.8 Public Hearing on planned development rezoning at the southerly terminus of Hampton Falls Place.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southerly terminus of Hampton Falls Place, approximately 650 feet southerly of Branham Lane, from R-1-8 Residence Zoning District to A(PD) Planned Development Zoning District, to allow 4 single-family attached residential units on 0.40 gross acre. (Richard Henry, Owner/Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).  
PDC 00-12-125 - District 9

**Ordinance No. 26531 passed for publication.**

### 11.9 Public Hearing on planned development rezoning at North Bascom and Forest Avenue.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the west side of North Bascom Avenue, approximately 130 feet southerly of Forest Avenue, from CP Commercial Zoning District to A(PD) Planned Development Zoning District, to allow construction of 20 multi-family attached units on 0.62 gross acre. (Ahron Bogomilsky and Barry Mirkin, Owner/Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).  
PDC 01-02-020 - District 6

**Ordinance No. 26532 passed for publication.**

## 11 PUBLIC HEARINGS

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### 11.10 Public Hearing on planned development rezoning at West Taylor and Elm Streets.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the northeast corner of West Taylor and Elm Streets, from R-2 Residence Zoning District to A(PD) Planned Development Zoning District, to allow three single-family residences (one existing and two new) on 0.4 gross acre. (The E&H 3rd FLP, Owner/Developer). Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC 01-02-029 - District 6

**Ordinance No. 26533 passed for publication.**

### 11.11 Public Hearing on planned development rezoning at Capitol Expressway and Monterey Road.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the northwesterly corner of Capitol Expressway and Monterey Road, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow construction of a 92,600 square-foot self storage facility and a 7,000 square-foot tire sales and installation facility at an existing flea market and movie theatre on 32.9 acres. (Sywest Development, Owner/Developer). CEQA: Negative Declaration.

PDC 01-05-058 - District 7

**Continued to 12/18/01.**

- Open Forum

- Adjournment

**The Council of the City of San José adjourned at 9:00 p.m.**